

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-13 are currently pending in this application, of which claims 12 and 13 are withdrawn from consideration. Claims 1-11 stand rejected. By this amendment, claims 1-13 are cancelled without prejudice or disclaimer. No new matter has been added by these amendments.

Rejection under 35 U.S.C. §103

Claims 1-11 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication No. 2001/0043275 to Hirota et al. ("Hirota") in view of U.S. Patent No. 7,046,290 to Nozaki ("Nozaki").

As indicated above, rejected claims 1-11 have been cancelled thereby rendering the rejections directed to these claims moot.

New Claims

Claims 14-18 have been added to recite the claimed invention in an alternative manner.

Claim 14 recites, *inter alia*, "a controller which controls to generate picture data by interpolating a signal generated by mixing signals of a first area in the imaging area in a case that a first scaling factor, which is smaller than a predetermined image scaling factor, is set, and to generate picture data by reducing signals of the plurality of light receiving elements which are not mixed and exist in a second area which is smaller than the first area, or a signal which is generated by mixing signals of the light receiving elements a number of which is smaller than a number of the light receiving elements to be mixed when the first scaling factor is set, in a case

that a second scaling factor, which is not less than the predetermined image scaling factor, is set." Claim 18 recites similar features to claim 14 but in a method claim.

One of the goals of the present invention is to provide an imaging apparatus and a controlling method that can obtain a sufficient resolution when picture data are expanded by an electronic zoom. To achieve this, the present invention as featured in the newly added claims changes the number of pixels to be mixed in accordance with a scaling factor of the zooming.

Hirota, in an effort to achieve a high-speed image pickup in a state that a center of an image pickup area coincides with an optical center without raising a driving frequency, omits a discarding operation of unnecessary electrical charge by arranging obstruction part that obstructs a transfer of an electrical charge from a vertical shift register to a horizontal shift register. Nozaki, in an effort to perform a focus detection in a plurality of areas of image pickup frame with keeping a small size and low cost, excludes an outside of readout area from a focus detection area.

However, none of the cited references (i.e., Hirota and Nozaki) teaches the present invention as featured in the new claims, e.g., changing the number of pixels to be mixed in accordance with a scaling factor of the zooming.

Accordingly, each of claims 14 and 18, and claims 15, 16 and 17 in depending from claim 14, is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Hirota and Nozaki), either taken alone or in combination, for at least the reasons discussed above.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited document from the pending claims as set forth above. However, these

statements should not be regarded in any way as admissions that the cited document is, in fact, prior art.

Applicants believe that the application is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

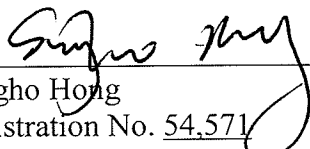
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5096). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 24, 2007

By:



Sungho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 (Telephone)
(212) 415-8701 (Facsimile)